

MICHAEL J. HADDAD (State Bar No. 189114)
JULIA SHERWIN (State Bar No. 189268)
TERESA ALLEN (State Bar No. 264865)
BRIAN HAWKINSON (State Bar No. 341856)
HADDAD & SHERWIN LLP
505 Seventeenth Street
Oakland, California 94612
Telephone: (510) 452-5500
Facsimile: (510) 452-5510

Attorneys for Sonja Alvarez

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SALVADOR SILVA, DECEASED, by
and through his Successor in Interest,
SONJA ALVAREZ, SONJA ALVAREZ,
Individually,

Plaintiff,

vs.

SAN JOAQUIN COUNTY, a public
entity; SAN JOAQUIN COUNTY
SHERIFF-CORONER PATRICK
WITHROW, in his individual and official
capacities; ROBERT HART, M.D.; FOZIA
NAR, L.V.N.; MARY CEDANA, R.N.;
SARAI HARDWICK, L.V.N.; CYNTHIA
BORGES-ODELL, MFT; NICHOLE
WARREN, P.T.; MANUEL
RODRIGUEZ-GALAVIZ, MFT;
MARICEL MAGAOAY, L.V.N.;
MANDEEP KAUR, R.N.; CHERYL
EVANS, A.S.W.; CHRISTEL BACKERT,
FNP; ROBYN MENDOZA, NP, and
DOES 1–20; individually, jointly, and
severally,

Defendants.

No: 2:20-cv-01461-JAM-KJN

**STIPULATION AND ORDER RE:
“FIRST LOOK” AGREEMENT RE:
DEFENDANTS’ PENDING AND
ANTICIPATED FEDERAL RULE OF
CIVIL PROCEDURE 45 SUBPOENAS
SEEKING MEDICAL RECORDS**

1 The parties, by and through their respective attorneys of record, hereby stipulate to the
2 following order being issued in this matter:

3 1. Defendants have served subpoenas on Plaintiff Sonja Alvarez's medical providers for
4 medical records, and anticipate serving more subpoenas for Plaintiff's and her son, Decedent
5 Salvador Silva's, medical records. Defendants are using Titan Legal Services, Inc., to serve the
6 subpoenas and collect the records.

7 2. Plaintiff contends that any subpoenaed medical records will likely contain privileged
8 information to which Defendants are not entitled, and that the subpoenas seek information protected
9 by Plaintiff's and her son's physician-patient privilege and psychotherapist-patient privilege and
10 privacy rights, and which is neither proportional to the needs of this case nor relevant to the claims
11 and defenses in this matter.

12 3. Plaintiff's counsel and Defendants' counsel have met and conferred at length, and agree
13 to the following "First-Look" Procedure:

14 a. Counsel for Defendants shall instruct Titan Legal Services, Inc. to obtain any
15 subpoenaed documents by a date set by Defendants; however, instead of producing the documents
16 to counsel for Defendants, Titan Legal Services, Inc. shall instead produce the documents directly to
17 Plaintiff's counsel's business address: Haddad & Sherwin LLP, 505 17th Street, Oakland, CA
18 94612.

19 b. Upon receipt of the subpoenaed documents from Titan Legal Services, Inc.,
20 Plaintiff's counsel will then have seven (7) business days to review the documents to see if they
21 contain any privileged information. If the documents do contain such information, Plaintiff's
22 counsel shall redact and/or withhold the pages containing that information and Plaintiff's shall
23 create a privilege log complying with Federal Rules of Civil Procedure 45(e)(2)(A)(i)–(ii) and
24 26(b)(5)(A)(i)–(ii).

25 c. On or before the seventh (7th) business day after receiving the records from Titan
26 Legal Services, Inc., Plaintiff's counsel shall serve the subpoenaed documents by Federal Express
27 Priority Overnight or electronically on Defendants' counsel; if Plaintiff's counsel has redacted
28

1 and/or withheld any information, they shall also concurrently serve the privilege log described in ¶
2 3(b), above.

3 4. Counsel for Defendants shall pay Titan Legal Services, Inc. to obtain the documents and
4 produce them to Plaintiff's counsel, and Plaintiff shall pay to send them by Federal Express Priority
5 Overnight to Counsel for Defendants, if physical documents were produced.

6 5. Counsel for Defendants reserves the right to seek production of any documents that are
7 withheld and/or redacted by Plaintiff's counsel pursuant to the terms of this agreement. Should any
8 such discovery dispute not be resolved through the meet and confer process, defendants reserve
9 their right to file discovery motions with the court seeking an Order requiring production of
10 withheld documents.

11 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

12
13 Dated: March 14, 2022

HADDAD & SHERWIN LLP

14 /s/ Teresa Allen

15 TERESA ALLEN
16 Attorneys for Plaintiff

17 Dated: March 14, 2022

BURKE, WILLIAMS & SORENSEN, LLP


18 /s/ Kyle Anne Piasecki

19 KYLE ANNE PIASECKI
20 Attorneys for Defendants

21 **ORDER**

22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

23
24 Dated: March 15, 2022

25 
26 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

27 silv.1461